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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,936	02/08/2002	Isao Saito	Q68288	6574

7590 06/15/2004

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Washington, DC 20037-3213

EXAMINER

HARTMANN, GARY S

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,936

Applicant(s)

SAITO ET AL.

Examiner

Gary Hartmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. (U.S. Patent 5,273,126) in view of Rasenberger (U.S. Patent 3,737,001). Reed et al. discloses a roller having a body and a driving shaft with right and left ends. There are crawlers (10) mounted on each of the right and left sides. There are driving wheels (20) detachably attached to each of the right and left ends of the driving shaft. There are driven wheels (14, 18). There is a connecting member (column 2, line 61 through column 3, line 13) which attaches each of the right and left sets of driven wheels. Reed et al. does not teach the single detachable member connecting the left-side and right-side crawlers to the bottom of the body. Rasenberger teaches utilizing a single detachable member (25) connecting the left-side and right-side crawlers (2) to the bottom of the body. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the arrangement of Rasenberger in order to provide structural stability to the apparatus, as taught by Rasenberger.

Regarding claim 2, both Reed et al. and Rasenberger teaches crawlers and tires to be interchangeable.

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3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al and Rasenberger. as applied above, and further in view of Domenighetti et al. (U.S. Patent 5,009,546). Domenighetti et al. teaches the articulating connection. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the articulating connection with the apparatus of Reed et al. and Rasenberger in order to obtain a device better capable of absorbing undulations on the surface being traversed, as taught by Domenighetti et al.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. and Rasenberger as applied above, and further in view of Muro et al. (U.S. Patent 6,123,133). Muro et al. teaches using a mechanism which vibrates a roll in a direction perpendicular to the ground. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the vibratory mechanism of Muro et al. with the apparatus of Reed et al./Rasenberger in order to obtain an apparatus suitable for compacting ground, as taught by Muro et al.

Response to Arguments

5. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 703-305-4549. The examiner can normally be reached on Monday through Friday, 9am-6pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Gary Hartmann', with a long horizontal flourish extending to the right.

Gary Hartmann
Primary Examiner
Art Unit 3671

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